

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

ELISE BECKER (NYBN 2540730)
Assistant United States Attorney

~~FOR COURT USE ONLY~~

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6878
Fax: (415) 436-7234
E-Mail: elise.becker@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NGUESSAN YAO,)
)
Defendant.)

No. CR 10-00434 RMW

~~[PROPOSED]~~ SCHEDULING ORDER

The United States, by and through its attorneys Ryan Fayhee and Elise Becker, and the defendant Nguessan Yao, by and through his attorneys Raymond Levites and Thomas Nolan, respectfully request that the pre-trial conference and trial date in the above captioned case be vacated and rescheduled as follows:

1. The pre-trial conference is rescheduled to October 8, 2011, at 4:22 p.m.;
2. The trial is rescheduled to October 17, 2011.

The parties further request that time be excluded under the Speedy Trial Act between September 12, 2011, and October 17, 2011, for effective preparation of counsel.

///

1 The Court previously found the matter complex, and the parties submit that finding remains
2 appropriate at this time.

3
4 DATED: August 11, 2011

Respectfully submitted,

5 MELINDA HAAG
6 United States Attorney

7 /s/

8 _____
9 Elise Becker
Assistant United States Attorney

10 SO STIPULATED.

11 DATED: August 11, 2011

12 /s/

13 _____
Raymond Levites
Counsel for Nguessan Yao

14 DATED: August 11, 2011

15 /s/

16 _____
17 Thomas Nolan
18 Counsel for Nguessan Yao

19
20
21
22
23
24
25
26
27 SCHEDULING ORDER
28 CR 10-00434

1 Based upon the representation of counsel and for good cause shown, IT IS HEREBY
2 ORDERED that the pre-trial conference and trial date in the case are vacated and rescheduled as
3 follows: pre-trial conference on October 8, 2011, at 4:22 p.m. and trial on October 17, 2011. The
4 Court further finds that failing to exclude the time between September 12, 2011, and October 17,
5 2011, would unreasonably deny the parties reasonable time necessary for effective preparation.
6 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by
7 excluding the time between September 12, 2011, and October 17, 2011, from computation under
8 the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.
9 In addition, the Court previously found the case complex. 18 U.S.C. § 3161(h)(7)(B)(ii).
10 Therefore, IT IS HEREBY ORDERED that the time between September 12, 2011, and October
11 17, 2011, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
12 3161(h)(7)(A), (B)(ii) and (iv).

13
14
15 DATED: 18 OCT 2011


RONALD M. WHYTE
United States District Judge

16
17
18
19
20
21
22
23
24
25
26
27 SCHEDULING ORDER
28 CR 10-00434